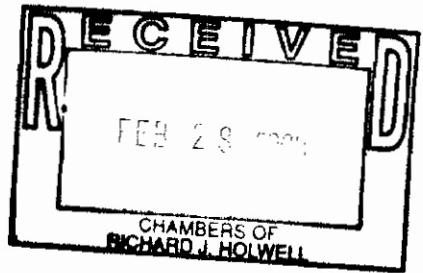


THOMAS P. MALONE
ATTORNEY AT LAW*
THE EMPIRE STATE BUILDING
350 5TH AVENUE, SUITE 5016
NEW YORK, NY 10118
(646) 708-8085
FAX: (212) 594-8378
E-MAIL: Thomas.Malone@fnf.com



*A Law Division of Fidelity National Financial, Inc.

February 27, 2008

VIA FACSIMILE & REGULAR MAIL

Honorable Richard J. Holwell, U.S.D.J.
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1920
New York, New York 10007-1312

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/17/08

Re: Estate of Essie Mae Keys, Debrah Keys
v. Union Planters Bank, N.A., et al.
Docket No: 07-CV-6561
My File No: L34414

Dear Judge Holwell:

I am in receipt of Plaintiff's February 20, 2008 Notice of Motion for Judgment on the Pleadings, and Plaintiff's February 22, 2008 R. 56.1 Statement in Support of Summary Judgment.

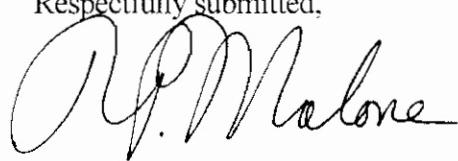
I moved, pursuant to the Court's October 29, 2007 Scheduling Order, on behalf of the Fidelity defendants, to dismiss this action. My motion, as the Court is aware, has been fully briefed and is pending before the Court.

I respectfully request that the Court consider my dismissal motion and Plaintiff's hybrid form of motion as seeking summary judgment and that, for the sake of judicial economy, my papers filed of record be considered in support of summary judgment. Also, since my dismissal motion was made in lieu of answering the amended complaint, should the matter not be resolved by summary judgment, I ask that my time to answer the amended complaint be extended for twenty (20) days from receipt of the Court's decision.

Honorable Richard J. Holwell, U.S.D.J.
Southern District of New York
February 27, 2008
Page 2

I have conferred with counsel for the Countrywide Defendants who wish, in response to Plaintiff's motion, to cross-move for summary judgment, pursuant to Fed. R. Civ. P. 56 and 12(h)(3), based upon the doctrines/defenses set forth in their answer and in my dismissal motion. Should the Court be amenable to considering the motions as seeking summary judgment and to permit the Countrywide Defendants to submit appropriate papers in support of their cross-motion, we respectfully request that the Court issue a revised Scheduling Order.

Respectfully submitted,



Thomas P. Malone (TM8717)

TPM/rt

cc: Debrah Keys, individually, and as representative of the Estate of Essie Mae Keys
Philip S. Rosen, Esq.

Application Granted. The Court converts the Fidelity defendants motion to dismiss into a Motion for Summary Judgment. The Fidelity defendants shall serve & file on plaintiffs a Notice to Pro Se Litigants Opposing Summary Judgment (see Local Civil Rule 56.2). Plaintiff's motion for judgment on the pleadings shall be treated as a Motion for summary judgment. The Court grants the Countrywide defendants leave to file a cross-motion for summary judgment in the absence of a pre-motion conference. Briefing on these motions shall proceed as follows:

- By March 31, 2008
 - The Countrywide defendants shall file any cross-motion for summary judgment
 - All defendants shall file an opposition to plaintiff's motion for summary judgment
- By April 21, 2008
 - Plaintiffs shall file any supplemental opposition to the Fidelity defendants motion
 - Plaintiffs shall file any opposition to the Countrywide defendants motion
 - Plaintiffs shall file any reply in support of plaintiff's motion for summary judgment.
- By April 30, 2008
 - The Countrywide defendants shall file any reply in support of their motion.

The parties are directed not to file any further motions without seeking permission of the Court

SO ORDERED



R. J. Holwell USCA 3/13/08